

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 26, 2006 (Paper No. 20060106). Upon entry of this response, claims 3-5, 7-11, 16, 18, 62-64, 66-79, and 81-111 are pending in the application. In this response, claims 63, 78, 87, and 105 have been amended. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Claim Objections

Claim 63 is objected to because “ ‘implemented in troubleshooting portal device’ is grammatical awkward.” (Office Action, p. 2.) Claim 63 has been amended. Applicants respectfully submit that that the objection has been overcome, and request that the objection be withdrawn.

2. Rejection of Claims 3-11, 16, 62-69, 74-84, 86-92, 95-99, and 101-111 under 35 U.S.C. §103

Claims 3-11, 16, 62-69, 74-84, 86-92, 95-99, and 101-111 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of Applicants’ admitted prior art AAPA. Applicants respectfully submit that the rejection is overcome by the claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

A. Claims 63, 78, 87, and 105

Applicants respectfully submit that amended independent claims 63, 78, 87, and 105 are allowable for at least the following reasons.

- 1) The proposed combination does not disclose, teach, or suggest “identifying a predefined second communication channel to the second communication device that is associated with the predefined identifier”

The Office Action alleges that *Dinh et al.* discloses this feature in Col. 6, lines 4-16. (Office Action, p. 3). Applicants respectfully disagree. The cited passage in *Dinh et al.* merely discloses a controlling computer 120 using an IP address to communicate with a remote standalone computer system 270 through an intermediate HTTP server 220. Applicants will assume, *arguendo*, that the “specific IP address” referred to in Col. 6, line 5 of *Dinh et al.* identifies the remote computer 270 and that this IP address is predefined, so that the IP address of the remote corresponds to the claimed “predefined identifier.” Even so, the IP address of the remote referred to in *Dinh et al.* does not correspond to a communication channel, as that term is understood by one of ordinary skill in the art. An IP address may identify a channel, but an IP address is not itself a channel.

Dinh et al. also discloses, in the same cited passage, that “an Internet/Intranet communication line is established between the controlling computer system 210 and the first remote standalone computer system 270.” (Col. 6, lines 5-15.) Applicants will assume, *arguendo*, that this “communication line” between the controller 120 and the remote 270 corresponds to a “communication channel to the remote device.” Even so, there is no teaching or suggestion in *Dinh et al.* that this communication line is “predefined” as recited in claims 63, 78, 87, and 105. The channel which “is established” in *Dinh et al.* could be established dynamically.

Finally, claims 63, 78, 87, and 105 have been amended to recite “identifying a predefined second communication channel.” *Dinh et al.* does not teach or suggest a computer-implemented system that identifies a channel.

AAPA also fails to teach, suggest or disclose a computer implementation of the above-described features recited in amended claims 63, 78, 87, and 105. Since these two references, either alone or in combination, do not teach at least the above-described features recited in claims 63, 78, 87, and 105, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claims 63, 78, 87, and 105 are not obvious under the proposed combination of *Dinh et al.* in view of AAPA, and the rejection should be withdrawn.

2) The proposed combination does not disclose, teach, or suggest “configuring a network device to establish a route between the first communication device and the second communication device using the identified second communication channel”

The Office Action alleges that *Dinh et al.* discloses this feature in Col. 6, lines 4-16. (Office Action, p. 3). Applicants respectfully disagree. *Dinh et al.* merely discloses the broad concept of establishing a communication link between devices: “[when] the first diagnostic server applications 240 decodes the diagnostic command for the first remote standalone computer 270, an Internet/Intranet communication line is established between the controlling computer system 120 and the first remote standalone computer system 270.” (Col. 6, lines 8-13.) *Dinh et al.* treats the network or networks connecting the diagnostic server 240 and the standalone computer 270 as a black box. *Dinh et al.* does not disclose how the link between the two devices is established, and does not disclose the specific feature recited in claims 63, 78, 87, and 105 of “configuring a network device to establish a route.”

3) The Office Action failed to provide proper motivation or suggestions for combining the references

Applicants respectfully submit one of ordinary skill in the art would not be motivated to combine the two references, because Dinh et al. has no reason to treat the network as anything more than a black box. Dinh et al. merely discloses the broad concept of establishing a communication link between devices: “[when] the first diagnostic server applications 240 decodes the diagnostic command for the first remote standalone computer 270, an Internet/Intranet communication line is established between the controlling computer system 120 and the first remote standalone computer system 270.” (Col. 6, lines 8-13.) Dinh et al. is not directed to the problem of establishing a channel between the two systems, instead assuming that the Internet provides such a channel. Thus, one of ordinary skill in the art would have no reason to look to AAPA, which describes a system in which devices in two different networks are unable to communicate with each other since the networks are operated by different providers.

Applicants respectfully assert that Examiner has embarked on what appears to be improper hindsight reasoning to support the 35 U.S.C. §103(a) rejection. The network location of the two devices is relevant to Applicants’ invention, and is recited in claims 63, 78, 87, and 105, but is not relevant to Dinh et al. “It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using applicants’ structure as a template and selecting elements from references to fill the gaps.” *In re Gorman*, 933 F.2d 982, 987, 18 U.S.P.Q.2d 1885 (Fed. Cir. 1991).

B. Claims 3-11, 16, 62-69, 74-84, 86-92, 95-99, and 101-111

Since claims 3-11, 16, 62-69, 74-84, 86-92, 95-99, and 101-111 are allowable, Applicants respectfully submit that claims 3-11, 16, 62-69, 74-84, 86-92, 95-99, and 101-111 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071,

5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 3-11, 16, 62-69, 74-84, 86-92, 95-99, and 101-111 be withdrawn.

3. Rejection of Claims 70-71 and 85 under 35 U.S.C. §103

Claims 70-71 and 85 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of *Montenegro* (RFC 2356). Since claims 63 and 78 are allowable, Applicants respectfully submit that claims 70-71 and 85 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 70-71 and 85 be withdrawn.

4. Rejection of Claims 18 and 73 under 35 U.S.C. §103

Claims 18 and 73 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of *Dowling* (6,574,239). Since claim 63 is allowable, Applicants respectfully submit that claims 18 and 73 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 18 and 73 be withdrawn.

5. Rejection of Claims 93 and 100 under 35 U.S.C. §103

Claims 93 and 100 have been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of Applicants' admitted prior art) and *Montenegro* (RFC 2356). Since claim 87 is allowable, Applicants respectfully submit that claims 93 and 100 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 93 and 100 be withdrawn.

6. Rejection of Claim 94 under 35 U.S.C. §103

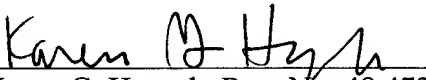
Claim 94 has been rejected under §103(a) as allegedly obvious over *Dinh et al.* (6,434,615) in view of Applicants' admitted prior art and *Dowling* (6,574,239). Since claim 87 is allowable, Applicants respectfully submit that claim 94 is allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claim 94 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 3-5, 7-11, 16, 18, 62-64, 66-79, and 81-111 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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